PERSCH SAYS HE WAS A TOOL

OF STOCK EXCHANGE BROKER IN HEINZE DEAL-MAY GET BAIL.

Curb Broker Admits Signing Risbrough Receipt-Says They Got Him Drunk First-Grand Jury Pays Especial At-

That an innocent young curb broker was plied with rum until he was persuaded sign another man's name to a stock divery receipt was one of the things that the District Attorney's office learned yesterday in its investigation of the Windsor Trust Company and other queer loan transactions. Of equal interest to the District Attorney's office was a statement emanating from Donald L. Persch in the Tombs that in the Windsor Trust deal he was the tool of a Stock Exchange broker who has been credited frequently with representing Standard Oil interests.

Persch gave no name, but he declared that the Windsor deal originated with this broker who suggested that they get F. Augustus Heinze or Heinze's broker to put up Ohio copper stock on a \$50,000 loan. It has been Heinze's contention ever since the loan scandal started that the Windsor transaction represented only part of an organized attack upon him. He has put his losses in similar loan transactions in the last six months at more than \$200,000.

Percy C. Mason of 27 William street

Percy C. Mason of 27 William street is the young curb broker who admits signing another man's name to a delivery receipt while under the influence of liquor. He figures not in the Windsor Trust Company case but in the \$7,000 loan Cram, Milliken & Co. of 115 Broadway got on \$15,000 of Eclipse Oil Company stock.

Mason accuses W. L. Clark, the note broker under arrest, with having taken him out and loaded him with "booze."
Then, according to the unsophisticated Mason, Clark steered him around to his office at 27 William street, where he found Donald L. Persch, who also is under arrest in the Windsor case. Mason said that Persch told him he had a receipt that he would like very much to have him sign; that the man who ought to the company and that he was led to believe by W. L. Clark that Charles Katz, president of the Eastern Brewery Company of Brooklyn, wanted the Windsor Trust Company to act as agent for him in making a loan to M. M. Joyce.

At any rate Kaufman wrote to Birmingham telling him that one Katz wanted to place a loan through the Windsor Trust Company and that he was willing to pay a \$1,000 commission because he was anxious to keep the copper stocks to be put up as collateral off the market. It was this statement in writing that Birmingham, with the consent of the president, wrote back to Kaufman accepting his offer.

Birmingham contends now that he never suspected but that the loan was being made for Katz and that John F. Sherwood, to whom he delivered the \$110,000 of the stocks, was Katz's representative. Birmingham declares that Sherwood was introduced to him both by him sign; that the man who ought to sign it was in Philadelphia and that it would be a great accommodation to him (Persch) if Mason would supply the necessary signature.

Persch dictated the receipt to a stenographer and Mason signed "Henry F. isbrough" in the presence of an office boy and a notary public. The stenographer, Edith Roth; the office boy, Louis Jackalow, and the notary, Edward H. Carpenter, all were called to the District s office vesterday and ques-

This bogus receipt was turned over to A. A. Reilly, Cram, Milliken & Co.'s broker, when the \$15,000 of Eclipse Oil stock were handed by him to Persch. Persch had represented that he was placing the loan of \$7,000 for Henry F. Risbrough of Philadelphia. The \$7,000 in one thousand dollar bills was handed

suggestion was that W. L. Clark went suggestion was that W. L. Clark went suggestion was that W. L. Clark went shim to put up the \$110,000 of the Heinze collection of the theory of the

business men, many of them frequently making loans from banks. The Windsor Trust transaction consequently strikes pretty closely home with them, and they are determined upon finding out just what is the responsibility of a banking institution under these conditions. Frederick Strauss, the foreman of the Grand Jury, is a member of the banking firm of J. & W. Seligman & Co. The Grand Jurors who called on Mr. Nott asked many questions about the laws governing trust companies about the laws governing trust companies

and their officers.

Persons who were familiar with banking laws pointed out yesterday section 600 of the Penal Code as being of possible interest to Sterling Birmingham, the manager of the Windsor Trust Company's loan department, who acknowledges that he accepted \$250 from Clark in the loan transaction. This section says that any officer, director, clerk or employee of any trust company or bank who asks or receives or consents or agrees to receive any commission, emolument, gratuity or reward for procuring or endeavoring to procure for any person any loan from any such bank or trust company is guilty of a misdemeanor. and their officers.

any such bank or trust company is guilty of a misdemeanor.

It was learned yesterday that while Birmingham is still with the trust company he no longer is taking an active part in its management. It will probably be only a question of a short time when he will part company with the trust company. It was learned yesterday, however, that Birmingham submitted this loan proposition to President John Alvin Young before the trust company entered into it. Richard Kaufman, a note broker who frequently has done business for the Windsor, first called the transaction to Birmingham's attention. Kaufman has known Birmingham a long time. Kaufman maintains that he was led to believe by W. L. Clark that Charles Katz, president of the Eastern Brewery Company of

sentative. Birmingham declares that Sherwood was introduced to him both by Clark and Kaufman as Katz's representative, and with that introduction hedid not deem any further credentials necessary. Birmingham of course is contradicted by both Sherwood and Katz. and not deem any further credentials necessary. Birmingham of course is contradicted by both Sherwood and Katz in this statement. The manager of the Windsor's loan department can't explain the \$250 that he got except that it was a little friendly gift.

It is apparent that the Windsor's directors are pretty well wrought up over the disclosures. Theodore P. Shonts, one of them, has written to President Young demanding that the transaction he sifted

disclosures. Theodore P. Shonts, one of them, has written to President Young demanding that the transaction be sifted to the bottom inside the trust company. He has received assurances from Mr. Young that a most careful inquiry is being made. It was learned further that President Young has sent out a call for a special meeting of the Windsor's board of directors. It includes among its directors Richard L. Beeckman, August Belmont, Jr., James A. Burden, John Fox, James Gayley, Gerald L. Hoyt, Willam Jay, Robert H. McCurdy, Ogden Mills, Charles McVeagh, A. Gordon Norrie, Frederick C. Stevens, John H. Storer, Cornelius Vanderbilt, Clarence W. Watson, Charles D. Wetmore, Archibald S. White and George W. Young.

One of Persch's lawyers said yesterday that he had positive information that the \$1,000 which is supposed to have gone to the trust company as a commission

PLAIN TALK IN SUTTON CASE

COUNSEL FOR COMPLAINANT CHARGES PERJURY.

Attorney Davis Also Declares That There Was a Conspiracy to Protect the Accused-Judge Advocate Criticises Such Remarks and Defends Dehart.

ANNAPOLIS, Aug. 13.-The taking of evidence in the Sutton inquiry came to a close shortly after the convening of the morning session. Attorney Henry E. Davis, representing Mrs. Rosa B. Sutton, immediately began his summing up of the testimony. He spoke for two hours and the court took a recess for

At 2 o'clock the court reconvened and Attorney Arthur A. Birney, representing Lieut. Adams, spoke for an hour and a quarter. The last word was said by the judge advocate, Major Henry Leonard, who spoke briefly, resenting certain insinuations that had been made against his conduct in the public press.

Attorney Davis said that Lieut. Adams had shaped his testimony to meet the exigencies of the case, while Sergt. Dehart he accused of committing perjury outright. Not to be outdone, Attorney Birney said that he was surprised that Mr. Davis had made as ridiculous an argument as he did in the face of the evidence and indicated in the plainest terms that Mrs. Sutton was a fit subject for a luratic asylum.

Even the judge advocate, in his brief concluding address, sent hot shot flying all around the room.

The statement that the Sutton family would be satisfied with a verdict of accidental death was emphatically denied by Mrs. Sutton after the adjournment of the court. "If it was not suicide it was either murder or manslaughter." Mrs. Sutton. The mother of the dead Lieutenant also intimated strongly that in the event that the court decided otherwise than in support of the murder, or manslaughter theory she would carry the

ase further.
In his summing up to-day, Attorney Davis assumed the task of a prosecutor and said it was shown to be impossible by the evidence for Sutton to have com-mitted suicide or to have been killed by accident

The unidentified hand that gave Sergt. Dehart that revolver at the scene of Sutton's death is stained with blood," sutton's death is stained with blood, was the way he put it, adding that only Lieut. Adams or Lieut. Willing could have handed Dehart the revolver.

After painting tender pictures of the character of Lieut. Sutton and describing him as a sunny natured man from whose mind suicide was always far distant, Mr.

mind suicide was always far distant, Mr. Davis took up the evidences in the case and built up his arguments upon it. At no time, he declared, was Sutton the aggressor. He was the victim of a conspiracy, and even when he armed himself after being beaten' by Lieut. Osterman he did so, Mr. Davis argued, in order to protect himself from further attacks. If he fired the shot that ended his life, and Mr. Davis admitted that only for the sake Mr. Davis admitted that only for the sake

of argument, Sutton did so to defend himself against men who were holding him down and beating him. "That Sergt. Debart has told the truth before this court," he said, "nobody can pretend. That non-commissioned marine

in one thousand dollar to...
to Persch by a tail man who, the Distance of the day on which the loan was made Cram, Millise at Co. heard that an effort was being made in the heard that an effort was being made in the heard that an effort was being made in the heard that an effort was being made in the heard put up as collateral here in New York. The shares of Edips stock that they had put up as collateral here in New York. The shares of Edips stock that they had put up as collateral here in New York. The shares of Edips stock that they had a full property of the the had positive information that the heard put up as collateral here in New York. The shares are will held in the original to the trust company as a commission of the court held at company that the heard put up as collateral through the provides at the court held at company that the heard put up as collateral through the provides at the court held at company that the heard put up as collateral through the provides at the court held at company that the court held at company that the heard put up as collateral through the provides at the court held at company the active put the state of the court held at company the provides at the court held at company the provides at the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the active put the state of the court held at company the put the state of the court held at company the active put the state of the court held at company the court held at company

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853 Broadway, cor. 14th St. 1349 Broadway, cor. 36th. 421 Fulton Street, cor. Pearl. 1437 Broadway, near 41st. 708 Broadway, cor. Thornton. 984 Third Ave., near 59th St. 1367 Broadway, cor. Gates Av. 1452 Third Av., near 82d St. 478 Fifth Ave., cor. 11th St. Jersey City—18 Newark Av. Newark—785 Broad Street 2202 Third Ave., cor. 120th. 2779 Third Ave., between 146th and 147th Sts. 356 Sixth Ave., cor. 22d St. Paterson-192 Market St.

I agree that it is a hard question to decide. The members of this court must choose which horn of the dilemma they wish to SHOT DOWN BY JAIL KEEPER PRISONER WAS IN MURDERERS

which horn of the dilemma they wish to grasp."
Major Leonard said he was reluctant to arise for a final word and wished to apologize to the court for doing so. The facts in the case had been ably presented by both sides, and he had no word to add. "All the Government has wanted and now wants are the facts, and I think they have all been brought out." said the judge advocate. "But I would be unworthy of my cloth if I did not protest against two points that have been made. "Mrs. Sutton's attorney expressed surprise here that when these two wonen.

prise here that when these two women, the complainants, came to Annapolis they were not received with outstretched arms and flowing hearts and given godspeed on their mission. I came to the aid of the complainants and defendants as well, and as the representative of the Government did all in my power to bring out every bit of evidence possible... "And I acquit the complainants of not

"And I acquit the complainants of not coming to me with every bit of evidence they had. The onus for that must rest upon their counsel. But I must add that the defendants, although I sometimes appeared in the light of prosecutor, brought to me all the facts they could gather. On the other hand, Mr. Davis never once opened his mouth to me about his witnesses.

"Another matter. I have been openly charged with badgering enlisted men of

charged with badgering enlisted men of the Marine Corps on the stand, but I cannot let go by unnoticed the attack made by Mr. Davis on Sergt. Dehart. This man must go forth defenceless, with the charge of perjury against him sent broadcast throughout the country.

Counsel for Mrs. Jaques told Justice
Goff that for a long time before she came
to this country, about nine years ago,
she had lost track of her husband and
believed that he was dead. The Court
asked where the first husband was now,
and counsel said that if he was living
he was in England, but that there was
no positive proof that he is alive.

"Is there any positive proof that he
was alive at the time of this cell, and in order to
quiet him Smith and Bryant went to
him. Opening the iron rail door of the
fencelike structure that surrounded the
prisoner's cell Smith stepped up to the
bars behind which Caprio was standing
and saw that Caprio was westing his
hat and coat, contrary to custom. He
also noticed a sort of knife in Caprio's
hand.

Suspecting that the prisoner intended

Savage Onslaught on Three Keepers Was

ROW AWAITING TRIAL.

thecked Only by Fatal Bullet-Had Already Wounded Two Men-Keeper Exoperated by the Jall Warden

freedom Angelo Caprio, a prisoner charged with murder, was shot and fatally wounded in the Newark jail yesterday morning by one of the keepers, who says that he found it necessary to shoot Caprio in defence of his own life and the lives of two keepers whom the prisoner had stabbed. Caprio died on the

operating table in the City Hospital. In the same hospital John Bryant, one of the keepers, is suffering from a kick in the abdomen and stab wounds in the forehead and left hand. Matthey Smith, another keeper, was cut severely on the back of the head.

John F. Corby is the keeper who fired the shots which killed Caprio and Warden McGuinness decided Corby was entirely justified and, except that he reported the matter to the proper authorities, he took no action in the matter. Prosecutor Mott said that the case would be formally presented to the Grand Jury, but he did not believe that anything further would be done. He stated that the reports he received indicated that had nothing else to do than to shoot to protect himself and his com-

Caprio was received at the jail on June last on a charge of murder in connec tion with the death of Salvatore Porrecco Since Husband Provides a Home She Gets a Counsel Fee.

Supreme Court Justice Golf denied yesterday the application of Alice Ann Jaques for reasonable alimony pending the trial of the suit of her husband, Dr. Schuyler Clinton Jaques of 1 West Eightyninth street, for the annulment of his marriage on the ground that his wife had another husband living when he married her, in 1902. The Court, how-He was put in a cell in "murderers' row,"

again put in a ceri ...

four days ago.

About 6 o'clock yesterday morning
About 6 o'clock yesterday morning
He threw

and counsel said that if he was living he was in England, but that there was no positive proof that he was alive at the time of this second ceremony? asked the Court.

Mrs. Jaques's attorney said there was none, and the Court them asked concerning. The Jaques is a well known physician in this city, and it heraffidavit Mrs. Jaques say he has an income from his profess says he has an income from his profess says he has an income from his profess says he has an income from his profess and he is furnishing her with food and cloth.

For what, then, does she want alimony? asked the Court.

For what, then, does she want alimony? A sked the Court.

Counsel for Dr. Jaques pointed out that the Appollate Division has held money the court.

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Counsel for Dr. Jaques pointed out the court of the cour

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BURNED ON A GASOLENE BOAT. Saved Their Lives by Jumping Overboard

After the Fluid Took Fire. Two men and a seventeen-year-old boy were badly burned yesterday by an explosion of gasolene vapor on the thirtyfive foot launch Harriet at the foot of Twenty-seventh avenue, Ulmer Park. The injured men are George Evans, 29 years old, owner of the boat, who lives at 1347 Nineteenth avenue, Bath Beach,

years old, owner of the boat, who lives at 1347 Nineteenth avenue, Bath Beach, badly, and George Andrews, 39 years old, a machinist living at 1906 Third avenue, Brooklyn. The injured boy is Henry Smith, a machinist's apprentice of 263 East Sixteenth street, New York.

The men had been out all day fishing and had put in at Ulmer Park after a good day's sport. Before laying up the boat for the night they started to put gasolene in the tank from a five gallon can. There was an explosion, and the fluid that was ignited was scattered over the occupants of the boat. They jumped overboard and swam to the shore about a hundred feet distant. They were attended by Dr. Early of Bensonhurst, who happened to be on the pier. He found the men so badly burned that he advised them to go to a hospital. They refused to do so, and after they had their burns dressed they left for their homes. They were badly scarred.

were badly scarred.
The boat, valued at \$2,500, was burned to the water's edge. MOTHER AND CHILD KILLED.

Woman Leaps From Fourth Floor Because of Burning Mattress. Esther Schweiner of 85 Attorney street

became terrified yesterday morning be-cause of a small fire there, and with her four-year-old daughter, Eva, in her arms jumped from a window on the fourth floor. Both were dead when picked up. Other women who were clinging to fire escapes became hysterical when they saw what had happened and the firemen had a hard time getting them down safely. The fire started at 7 o'clock on the third The fire started at 7 o'clock on the third floor from a blazing mattress in the rooms of Wolf Spielberg. The house of Truck 18 is directly opposite and one of the Spielbergs leaned out of the window and called to the firemen. The cry aroused the other tenants and as the burning mattress created considerable smoke the idea spread that escape had been cut off except by the fire escapes in front. Scores rushed there. It was while the excitement was at its height that the Schweiner woman leaped.

TROOPS QUIET FORT WILLIAM Fifteen Wounded Strikers in Hospital -Riot Leaders to Be cported.

FORT WILLIAM, Ont., Aug. 13.-The presence of soldiers has quieted the disorder among the dock strikers. Fifteen men are in the hospital as the result of yesterday's riots.

The militiamen are searching the foreign quarter for arms and the leaders in the outbreak will be deported.

CASINO B'way & 39th St. Evgs. 8:13 JAMES POWERS IN HAVANA DALY'S Theatre, B'way & 30th St. Tv. Matinee To-day 2:30. A Toothsome Toothless Comedyin 3Acts, Entitled L3 LLLY HACKETT Theatre, 42d, W. of B'way, Eve 8:20, The Season's THE ONLY LAW Big Success, LYRIC 42d St., W. of B'way. Evs. THE MOTOR CIRL BROADWAY 41st St. & B'way. Evs. 5:18.
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